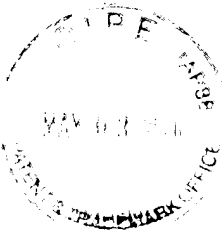


ATTORNEY DOCKET No. 14014.0025US
Application No. 07/110,791

EXHIBIT 1



This opinion is not binding precedent of the Board.

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NEEDLE & ROSENBERG

Paper 106

Filed by: Trial Section Motions Panel
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

14014.0025US
.3/22

UNITED STATES PATENT AND TRADEMARK OFFICE

C. RICHTER KING,
MATTHIAS H. KRAUS, and STUART A. AARONSON,

Junior Party
(Application 07/110,791)

MAILED

v.

NOV 21 2001

DENNIS J. SLAMON,
WILLIAM L. McGUIRE, and AXEL ULLRICH, AND INTERFERENCES

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS

Senior Party
(Patent 4,968,603)

Patent Interference No. 104,519

Before LEE, GARDNER-LANE, and TIERNEY, Administrative Patent Judges.

GARDNER-LANE, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

King has filed a paper stating the following (Paper 105 at 2) :

In accordance with the provisions of 37 C.F.R. §1.662, King hereby
abandons the contest as to the existing count.

BEST AVAILABLE COPY

WRG/MM/SGC

DOCKETED	
By <u>DM</u>	Date <u>11/27/01</u>
Reviewed	Name/Date

King's statement is treated as a request for entry of adverse judgment against King as to all its claims that correspond to the count. See 37 CFR § 1.662(a).

ORDER

Upon consideration of the record of the interference, it is

ORDERED that judgment on priority as to Count 2¹, the sole count in the interference, is awarded against junior party C. RICHTER KING, MATTHIAS H. KRAUS, and STUART A. AARONSON;

FURTHER ORDERED that junior party C. RICHTER KING, MATTHIAS H. KRAUS, and STUART A. AARONSON, is not entitled to a patent containing claims 44, 46, 47, and 62 of application 07/110,791, which correspond to Count 2;

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the King's 07/110,791 application and Slamon's 4,968,603 patent; and

¹ Count 2 and the claims of the parties which correspond to Count 2 are set forth at Paper 100 (Order Redeclearing Interference).



-3-

cc (via facsimile and first class mail):

Counsel for Slamon (real parties in interest:

1. The Regents of the University of California (licensee, Bayer Corp.)
2. The Regents for the University of Texas System (licensee, Ventana Medical Systems)
3. Genentech)

Steven B. Kelber
Piper, Marbury, Rudnick & Wolfe, LLP
1200 Nineteenth St., N.W.
Washington, D.C. 20036-2430

Tel: 202-861-3900
Fax: 202-223-2085
e-mail: steven.kelber@piperrudnick.com

Counsel for King (real party in interest, The United States of America as represented by the Secretary, Department of Health and Human Services)

William R. Johnson
Mary L. Miller
NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree St., N.E.
Atlanta, GA 30303

Tel: 404-688-0770
Fax: 404-688-9880
e-mail: johnston@needlepatent.com

Susan S. Rucker
Office of Technology Transfer
National Institutes of Health
6011 Executive Blvd., Ste. 325
Rockville, MD 20852-3804

Tel: 301-496-7056, ext. 245
Fax: 301-402-0220

It is

ORDERED that the interference is redeclared as follows:

1. Count 2¹, set forth below, is substituted for Count 1 (material deleted from count 1 is stricken out).

Count 2

A method according to claim 1, 7, or 17 of Slamon (4,968,603)

or

A method according to claim 44, ~~60, 61~~, or 62 of King (07/110,791).

2. The claims of the parties are:

Slamon: 1-22

King: 44, 46, 47, and 60-62

The claims of the parties which correspond to Count 2 are:

Slamon: 1-22

King: 44, 46, 47, and 62

The claims of the parties which do not correspond to Count 2 are:

Slamon: none

King: 60 and 61

¹ Count 2 is the same as proposed count A of Slamon preliminary motion 1 (Paper 31).